

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

RECD 21 OCT 2003

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Applicant's or agent's file reference 97701-10949	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/HU02/00101	International filing date (day/month/year) 04.10.2002	Priority date (day/month/year) 08.10.2001
International Patent Classification (IPC) or both national classification and IPC E06B9/264		
Applicant PAPP, Miklos		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.



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3. This report contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input checked="" type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application

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Date of submission of the demand 06.05.2003	Date of completion of this report 20.10.2003
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Baath, S Telephone No. +49 89 2399-2463 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/HU02/00101**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-14 as originally filed

Claims, Numbers

1-17 as originally filed

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
☒ not complied with for the following reasons:

see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
☒ the parts relating to claims Nos. 1-17.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-17
	No: Claims	
Inventive step (IS)	Yes: Claims	1-17
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

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see separate sheet

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International application No. PCT/HU02/00101

Re Item I

Basis of the report

1. This report is only based on **claims 1-17 (main invention)**, according to the fax of the Applicant, dated **06.10. 2003** (Article 34 (3) (c) PCT)

Re Item IV

Lack of unity of invention

1. As already indicated by the International Searching Authority and the International Examining Division, the international application contains the following separate inventions:
 - 1.1 Claims 1-17:
Device for reflecting electromagnetic waves comprising:
 - a) a motor driven sheet-like , flexible reflecting element
 - b) spanned between two protective plates
 - c) said plates enclosing an airtight space
 - 1.2 Claims 18-20:
 - a) Method for the metallization of a film with a varying density
 - 1.3 They are not so linked as to form a single general inventive concept (Rule 13.1 PCT), since there are neither common special technical features (Rule 13.2 PCT) nor do both groups of claims solve a common problem.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following document is referred to in this report:
 - D1: DE 199 60 032 A (SALATSCH ERIK) 5 July 2001 (2001-07-05)
 - D2: DE 29 21 608 A (MAIER) 4 December 1980 (1980-12-04)
2. Document D1 is considered to represent the most relevant state of the art.
 - 2.1 D1 discloses a device for reflecting electromagnetic waves (cf. title) ,

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International application No. PCT/HU02/00101

a) particularly light and heat radiation to a regulable extent (**cf. column 1, lines 24-38; Figures 1 and 2**),

wherein

b) the device (**cf. title**) comprises a sheet-like, flexible reflecting element **1** of similar width and of larger length as compared to protective plate **7** for transmitting the electromagnetic waves to different extents and/or in different ways (**cf. Figures 1 and 2**),

c) the device (**cf. title**) further comprises a driving means (**cf. column 2, lines 12-15**) for spanning the reflecting element **1** along the longitudinal directions of the protective plate **7** and moving it in the same direction.

2.2 The **problem** to be solved by the present application is to find a way to

a) *improve the visibility when only few electromagnetic waves are attacking and*

b) *improve the capability to ensure total darkness when wished*

2.3 The **solution** proposed by the application consists in

Arranging the reflecting element between two protective plates in an airtight space.

2.4 Although document **D2** already proposes to arrange reflecting elements between two protective plates, no hint in **D1** can be found that leads the person skilled in the art to combine **D1** with **D2**.

2.5 Thus, this **combination of features** of independent claim **1** is neither known from, nor rendered obvious by, the available prior art cited in the international search report.

3. Inasmuch as claims **2** to **17** depend from claim **1**, their subject-matter are therefore novel and inventive (Article 33 (2) and (3) PCT).

4. The subject-matter according to any of claims **1** to **17** is industrially applicable (Article 33 (4) PCT).

5. Further objections

5.1 To meet the requirements of Rule 6.3(b) PCT, the independent claims should have been properly cast in the **two part form**, with those features which in combination are part of the prior art being placed in the preamble (see document **D1**).

5.2 To meet the requirements of Rule 5.1(a)(ii) PCT, document **D1** should have been identified in the description and the relevant background art disclosed therein should have been briefly discussed.

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- 5.3 The title should have been amended, such that it only covered the main invention. Claims 18-20 and relating parts of the description should have been deleted.

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